



## *Stormwater Needs Assessment Project*

Fairfax County Stormwater Advisory Committee  
Stormwater Needs Assessment Project  
Meeting #4  
December 14, 2004, 7 – 9 p.m.  
Fairfax County Herrity Building

### Meeting Minutes

In Attendance:

Stormwater Advisory Committee:

|                |                       |                  |
|----------------|-----------------------|------------------|
| Larry Butler   | Jessica Fleming       | Jeanette Stewart |
| Robert Jordan  | Christopher Champagne | Sally Ormsby     |
| Greg Prelewicz | Michael Rolband       | Mark Trostle     |
| Harry Glasgow  | Mary Beth Coya        |                  |

Consultants:

Elizabeth Treadway  
Doug Moseley  
Curt Ostrodka

County Staff:

|                 |                   |
|-----------------|-------------------|
| Jimmie Jenkins  | Paul Shirey       |
| Carl Bouchard   | Scott St. Clair   |
| Fred Rose       | Krystal Kearns    |
| Marlae Schnare  | Vishnu Seri       |
| Danielle Derwin | Tanya Amrhein     |
| Debra Bianchi   | Michelle Brickner |

Meeting Agenda

1. Welcome and Introductions
2. Review November 9, 2004 Meeting Minutes
3. Final Policy Statement on Level and Extent of Service
4. Program Initiatives to Address Priorities
5. Funding Options – User Fee and General Revenues
6. Next Steps

Welcome and Introductions

Carl Bouchard, Director of the Stormwater Planning Division, opened the meeting with a welcome message for the committee members and reiterated the County's thanks for their service. He noted that several Stormwater Advisory Committee members are attending the concurrent Environmental Quality Advisory Council (EQAC) meeting.

Review November 9, 2004 Meeting Minutes

Mr. Moseley offered a brief overview of the meeting's agenda and asked the committee for any comments on the previous meeting's minutes. No comments were offered. He noted that the attendance roster has been corrected.



## ***Stormwater Needs Assessment Project***

### ***Final Policy Statement on Level and Extent of Service***

During the discussion regarding service area, level, and extent of stormwater services a clarification was requested regarding whether VDOT is required to comply with the same water quality regulations that are mandatory for Fairfax County. The Committee was advised that while the County must maintain and comply with a Phase I National Pollutant Discharge Elimination system permit, VDOT must comply with the second Phase II permit standards. Communities of 100,000 residents or greater must meet the 19 minimum control measures under Phase I. Phase II requires only six minimum control measures. Mr. Moseley noted that VDOT roads could be maintained to County standards through a cooperative agreement, but it will require consistency between the Public Facilities Manual and VDOT's drainage manual. Mr. Moseley noted that it is unrealistic for the County to take over all maintenance responsibilities from VDOT; however, the County can take advantage of opportunities where appropriate, through negotiations with VDOT.

The Committee then discussed the limits of the service area. Mr. Moseley stated that the service area has not been fully defined yet, but the Committee will determine the "upstream limits" after consideration of the program priorities. This prompted a discussion on the County's current authority over the drainage system. The group noted that regulatory authority is exercised during the development process for all properties under the County legal oversight. On-going oversight is limited to existing impoundments. Homeowner Association ponds are not under County authority unless there is a maintenance agreement with a dedicated easement in place. Mr. St. Clair stated that private facilities are inspected once every five years. The County only has the authority to maintain private facilities if there is an immediate health hazard or danger of flooding. Approximately 350 out of 2,200 private facilities have maintenance agreements; no authority is provided for farm ponds. Additional discussion focused on the current standard of the mandate to dedicate an easement to the County for maintenance. This standard is set at a flow rate of 2 cubic feet per second, using a 10-year design storm event (i.e., at storm that has a one in ten probability of occurring in any given year). The Committee did not recommend any change in this current standard.

One component of the draft Level of Service policy statement is to "embrace the Board of Supervisor's recently adopted environmental principles". Mr. Moseley clarified are these principles are available on Chairman Connelly's webpage:

< [http://www.fairfax.va.us/gov/bos/chair/environmental\\_plan.htm](http://www.fairfax.va.us/gov/bos/chair/environmental_plan.htm) >

### ***Program Initiatives to Address Priorities***

The group discussed the proposed upgrade of all stormwater facilities within the next 10 years. Mr. Moseley stated that stormwater facilities should be upgraded to address water quality as well as water quantity and ensure that they perform as designed.

The current recommendation from AMEC is that the Capital Improvement Program "buy down" the backlog of projects over the next 20 to 40 year period. He noted that the CIP implementation strategy is not final, and can be modified.



## *Stormwater Needs Assessment Project*

To increase efficiencies in management of the watershed-based program planning and implementation, it is recommended that the County be divided into four quadrants with a planning team assigned to each. When asked about dividing the watershed planning area into quadrants, he clarified that the quadrants would be drawn where they make hydrologic sense, and would not be evenly divided without respect to topology.

Mr. Moseley asked the group to consider if the proposed program priorities are still valid, if any program elements are missing, and how the programming can be quantified.

A discussion regarding the collection and use of Pro Rata Share funds focused on the manner in which the funds are generated and the current strategy for utilization. It was noted that PRS funds must be used in the same watershed that they are collected. This provides a disadvantage to the older, built-out watersheds in the eastern portion of the County; these watersheds have fewer funds because of less current development, and in some cases, are the areas of highest system concerns. The Committee identified a concern that having a fund (Pro Rata Share) with a \$20 million balance may create an issue regarding whether there is a real need for additional funding and whether the County has the ability to spend money. This was identified as a potential weakness for a case to implement expanded program components and the proposed utility fee.

Mr. Shirey clarified that some PRS funds were allocated under old master planned projects (late 1970s studies) which are now longer appropriate to guide the use of the funds. He anticipated that the Cub Run and Difficult Run Watershed Plans will utilize PRS dollars when they are completed in 2005. He noted that PRS funds can only be used for specific projects, such as regional ponds, stream stabilization, or flood mitigation projects. They are exactions from the development community to address impacts on the stormwater system, to mitigate those impacts and therefore, can be used when projects are defined that will meet the test, such as regional pond projects, which are often opposed by residents. Mr. Rose noted that the County currently spends approximately \$2-3 million each year from PRS funds. It was emphasized that it is difficult to spend the money without an increase in staff to administer the projects. The committee recommended that the County include PRS information in the public education and outreach program. Mr. Moseley observed that although the County has approximately \$20 million in PRS, this is a small fraction of the estimated \$340 - \$800 million identified under the CIP program.

The committee asked how PRS funds are invested. PRS funds are held in an escrow account, and can only be held for 12 years; afterwards, they must be paid back to the developer. Ms. Treadway added that PRS funds cannot be mixed with the County's General Funds. Mr. Jenkins clarified that approximately \$9 million of the current fund balance is allocated for regional ponds. Mr. Shirey added that approximately \$4 million is being used for the development of watershed plans to update all 30.

The Committee indicated that it is important for the County to show immediate tangible results to the public if the utility fee is implemented. Mr. Moseley stated that the intent is to implement highly-visible projects, targeted at "low hanging fruit", to achieve the highest benefit for the lowest cost. The SAC will aid in the public education campaign, and will be assisted by a larger County-wide program.



## ***Stormwater Needs Assessment Project***

Mr. Moseley asked if any modifications to the Program Initiatives to address Priorities were needed. The Committee agreed that the first program initiative should be amended to read, "Secure a dedicated and *equitable* funding source for stormwater." They also suggested that one of the program initiatives be amended to read, "Establish baseline standards *to ensure equitable* program application and administration."

Ms. Treadway noted that the County does not have the ability to ensure that like properties are treated in a similar manner due to lack of funding and the reactive nature of the services provided. She stated that though it is possible for the County to take over maintenance for all private facilities, this is a challenging goal, and current conditions must be evaluated first. The Committee agreed that the principle of similar services to like-situated properties should be a long-term goal, and agreed that consistent maintenance standards should be a program priority.

The discussion then shifted to the use of bond financing of capital improvement projects. The group noted that a 1990 stormwater bond was defeated. The Committee acknowledged that bonds for stormwater do not resonate with voters the same way that bonds for schools, parks, and other County services do.

The Committee agreed that a capital infrastructure replacement program should be a program priority. They advocated that infrastructure should be replaced at the end of its useful design life, and upgraded to the most current design standards. Mr. St. Clair affirmed that the County does not have an infrastructure replacement schedule, and only replaces pipes on an emergency basis. The Maintenance staff are currently developing a GIS database that will map the entire system and evaluate the condition and age of pipes. Mr. Jenkins noted that GASB34 requires municipalities to value assets and depreciate them every year; there are no enforcement actions. The group identified that HOAs are required to develop an escrow for facility improvements and the County should follow a similar strategy in management of public facilities. They agreed that budgeting for infrastructure replacement should be a program priority.

The Committee asked if Fairfax County has a comprehensive pollution prevention program. They noted that construction sites are often scrutinized by inspectors, but commercial sites that contribute to stormwater runoff are typically afterthoughts. Mr. Moseley stated that under the County's Municipal Separate Storm Sewer System (MS4) permit, they are required to operate an Illicit Discharge Detection and Elimination (IDDE) program. This includes periodic inspection of outfalls. Mr. Rose stated that the permit requires 100 outfalls to be inspected each year on a rotating basis. The County must also respond to complaints and suspicious activity. Mr. St. Clair estimated that there are between 5,000 and 6,000 outfalls in the County. Ms. Kearns noted that the County does not perform storm drain stenciling; this is typically a Scouting project performed by citizens.

### **Funding Options – User Fee and General Revenues**

Ms. Treadway reviewed the July 1, 2004 *Funding Methods and Revenue Generating Capacity* paper to provide an understanding of the differences between General Funds and a stormwater utility fee. The committee acknowledged that the utility is a separated



## *Stormwater Needs Assessment Project*

and dedicated fund, meaning that it does not compete with other County services for funding in the General Fund. The utility can also be used to issue revenue bonds, or to pay off bonds sooner. Ms. Treadway noted that General Fund allocations can fluctuate yearly, based upon current priorities.

The Committee inquired as to the organizational structure of a utility. Ms. Treadway stated that the Board of Supervisors (BOS) is not required to establish a separate governing board to oversee the utility. However, an advisory board can be established if desired. Ms. Treadway stated that a utility fee typically is charged based upon impervious surface on a property, rather than by the real estate value of that property. The committee discussed whether or not the utility and the provision of credits would encourage green building, the incorporation of LID and reduction of impervious surfaces, and a greater understanding of the impacts of development on the environment. It was noted that HOAs should receive credits when they maintain their stormwater facilities as required; the Community Associations Institute (CAI) might be able to assist with the implementation of the utility. Ms. Treadway also stated that the BOS can by resolution dedicate part of the tax revenue for stormwater service. Committee members noted, however, this can be rescinded as is only the commitment of the sitting Board that adopts it. They may also abolish the utility if they choose. The utility fee can enable bonded improvements without the vote of the public, enhancing the ability of the County to increase the rate of reinvestment in construction services. Ms. Treadway noted that the General Fund can also pay for bonds, using General Obligation bonds, that must be voted by the public, and must compete with other bond initiatives of the County.

The group agreed that utility funds should be raised uniformly across the County. This will cross subsidize different areas and provide equity. Ms. Treadway noted that the utility does not have to be solely user funded. It can incorporate grants and taxes. It can also evolve into a more specialized system that includes surcharges for specific areas in the watershed.

The Committee identified the following principles that should be followed in making the recommendation to the County Board on how to fund the needed improvements in the stormwater program:

- ◆ Fund the program using a methodology that links the demand for services to the amount paid by any particular property owner.
- ◆ Provide a mechanism that recognizes positive behaviors by the land owner to reduce impacts on flow and pollutant loading.
- ◆ Dedicate the funding to the objectives of the stormwater program where the monies cannot be redirected to other competing priorities.
- ◆ Utilize a funding strategy that encourages greener development.
- ◆ Make the funding mechanism an equitable strategy, bringing all properties into the funding base, not just those paying real estate and other general fund revenues.
- ◆ Apply the funding strategy uniformly across the County.
- ◆ Utilize bond debt to support the capital improvement program.



## *Stormwater Needs Assessment Project*

### Next Steps

Ms. Treadway reported that AMEC is continuing to build the cost of service model with consultation from DPWES staff. At the January 11, 2005 meeting, SAC members will be presented the recommended program, cost of service and projected outcomes. The Committee will be asked if the recommendations meet their expectations and represent the discussion and priorities identified over the past months. At the February 2005 meeting, SAC members will craft a summary statement of recommendations and long term goals, to be presented to the BOS on March 14, 2005. Ms. Treadway noted that consensus amongst SAC members is not mandated, and that the final paper will explore different options and differences. AMEC typically follows a process of "informed consent" as defined in Meeting #1 with the Committee.

The meeting adjourned at 9:05 PM.

### Next Meeting

The next meeting of the Fairfax County Stormwater Advisory Committee will be held on January 11, 2005 at 7 P.M. in the Fairfax County Government Center.